

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD SOTO,	)	
Petitioner,	)	
v.	)	C.A. No. 05-316 Erie
WARDEN JAMES SHERMAN,	)	
Respondent.	)	

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on December 9, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on July 31, 2006, recommended that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated, and on Respondent. No objections were filed. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 6<sup>th</sup> September Day of ~~August~~, 2006;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DENIED and that a certificate of appealability is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated July 31, 2006, is adopted as the opinion of the court.

Maurice B. Cohill, Jr.  
MAURICE B. COHILL, JR.  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_